U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

MATTER OF A-&B-, LLC

DATE: SEPT. 25, 2017

APPEAL OF CALIFORNIA SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, an importer and distributor of garments and accessories, seeks to temporarily employ the Beneficiary as its chief executive officer under the L-1A nonimmigrant classification for intracompany transferees.[1] *See* Immigration and Nationality Act section 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The L-1A classification allows a corporation or other legal entity (including its affiliate or subsidiary) to transfer a qualifying foreign employee to the United States to work temporarily in a managerial or executive capacity.

The Director of the California Service Center denied the petition, concluding that the record did not establish, as required, that the Beneficiary would be employed in the United States in an executive or managerial capacity under the extended petition.

We will dismiss the appeal as moot.

The Petitioner filed the present petition in October 2016, and the Director denied it on February 6, 2017. U.S. Citizenship and Immigration Services records show that the Petitioner later filed a second petition for the same classification, with receipt number [redacted] in April 2017. This other petition was approved on May 19, 2017. Because another L-1A petition from this employer has been approved for the Beneficiary, the appeal is moot.

ORDER: The appeal is dismissed.

Cite as *Matter of A-&B-, LLC*, ID# 604804 (AAO Sept. 25, 2017)

[1] The Petitioner previously filed a "new office" petition on the Beneficiary's behalf which was approved for the period December 1, 2015, until November 30, 2016. A "new office" is an organization that has been doing business in the United States through a parent, branch, affiliate, or subsidiary for less than one year. 8 C.F.R. § 214.2(l)(1)(ii)(F). The regulation at 8 C.F.R. § 214.2(l)(3)(v)(C) allows a "new office" operation one year within the date of approval of the petition to support an executive or managerial position.